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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**  
9 **AT TACOMA**

10 **PAULINE KNOWLES,**

11 **Plaintiff,**

12 **vs.**

13 **ALLIANCEONE RECEIVABLES**  
14 **MANAGEMENT, INC.,**

**Defendant.**

**NO. 09-05702**

**DEFENDANTS' ANSWER AND**  
**AFFIRMATIVE DEFENSES**

15 **A. ANSWER**

16 COME NOW the Defendants, ALLIANCEONE RECEIVABLES MANAGEMENT,  
17 INC. (AllianceOne), by and through its undersigned attorney, and in answer to the complaint  
18 for damages of the Plaintiff, admit, deny, and aver as follows:

- 19 1. As to paragraph 1 of the complaint, ALLIANCEONE admits that the Plaintiff  
20 brings this action under the cited statutes and tort, but denies any liability to the  
21 Plaintiff under the cited statutes and denies any liability to the Plaintiff in tort.
- 22 2. As to paragraph 2 of the complaint, ALLIANCEONE admits that the  
23 jurisdiction of this Court arises out under 15 U.S.C. § 1692k(d).  
24

25 Pauline Knowles  
DEFENDANTS' ANSWER AND AFFIRMATIVE  
DEFENSES- 1

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1           3. As to paragraph 3 of the complaint, ALLIANCEONE admits that the Plaintiff is a  
2 natural person residing in the State of Maine.

3           4. As to paragraph 4 of the complaint, said paragraph contains legal conclusions to  
4 which no response is required. To the extent a response is required, ALLIANCEONE lacks  
5 sufficient information to admit or deny any allegations, and therefore denies same.  
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7           5. As to paragraph 5 of the complaint, said paragraph contains legal conclusions to  
8 which no response is required. To the extent a response is required, ALLIANCEONE lacks  
9 sufficient information to admit or deny any allegations, and therefore denies same.

10           6. As to paragraph 6 of the complaint, said paragraph contains legal conclusions to  
11 which no response is required. To the extent a response is required, ALLIANCEONE lacks  
12 sufficient information to admit or deny any allegations, and therefore denies same.

13           7. As to paragraph 7 of the complaint, ALLIANCEONE admits that it contacted the  
14 Plaintiff in an attempt to collect a debt, but denies every other allegation contained therein.  
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16           8. As to paragraph 8 of the complaint, ALLIANCEONE denies the allegations  
17 contained therein.

18           9. As to paragraph 9 of the complaint, ALLIANCEONE denies the allegations  
19 contained therein.

20           10. As to paragraph 10 of the complaint, ALLIANCEONE incorporates by reference all  
21 of the proceeding paragraphs in this answer.

22           11. As to paragraph 11 of the complaint, ALLIANCEONE incorporates by reference all  
23 of the proceeding paragraphs in this answer.  
24

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DEFENDANTS' ANSWER AND AFFIRMATIVE  
DEFENSES- 2

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12. As to paragraph 12 of the complaint, ALLIANCEONE incorporates by reference all of the proceeding paragraphs in this answer.

**B. AFFIRMATIVE DEFENSES**

AS AND FOR FURTHER ANSWER HEREIN, AND AS ITS AFFIRMATIVE DEFENSES, ALLIANCEONE alleges as follows:

1. Plaintiff is not entitled to maintain this action due to the existence of some or all of the following affirmative defenses:

- a) contributory negligence;
- b) estoppel;
- c) laches;
- d) waiver;
- e) failure to mitigate damages
- f) bona fide error (15 U.S.C. 1692k (c));
- g) set off;
- h) unclean hands;
- i) accord and satisfaction;
- j) assumption of risk;
- k) discharge in bankruptcy
- l) res judicata;
- m) statute of limitations;
- n) failure to set forth in pleadings facts which show that the relevant law(s) of the United States, or some other jurisdiction of the United states, may be applicable.

2. AllianceOne, in answering the Plaintiff's complaint, expressly reserves questions of:

- 1) lack of jurisdiction over the subject matter;
- 2) lack of jurisdiction over the person;
- 3) improper venue;
- 4) insufficiency of process;

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DEFENSES- 3

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- 5) insufficiency of service of process;
- 6) failure to state a claim upon which relief can be granted;
- 7) failure to join a party under rule 19.

WHEREFORE, ALLIANCEONE prays:

1. that the Plaintiff's complaint be dismissed with prejudice; and,
  2. that ALLIANCEONE have its costs and reasonable attorney fees incurred herein;
- and,
3. for such other and further relief as the Court deems just and equitable.

DATED this 28 day of December, 2009.



KEVIN UNDERWOOD (WSBA #15711)  
K.C. HAWTHORNE (WSBA #18241)  
Attorney for ALLIANCEONE  
RECEIVABLES MANAGEMENT, INC.

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DEFENDANTS' ANSWER AND AFFIRMATIVE  
DEFENSES- 4

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